UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,604	03/30/2004	Ramanathan T. Jagadeesan	062891.1215	3191

5073 7590 01/18/2008		

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EXAMINER
LEVITAN, DMITRY

ART UNIT	PAPER NUMBER
2616	

NOTIFICATION DATE	DELIVERY MODE
01/18/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTOL-90A (Rev. 04/07)

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 March 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-75</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>7-18,25-36,43-54,61-72,74 and 75</u> is/are allowed.

6)☒ Claim(s) <u>1,19,37,55 and 73</u> is/are rejected.

7)☒ Claim(s) <u>2-6,20-24,38-42 and 56-60</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>30 March 2004</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

Drawings

1.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 120-150 on Fig. 2 do not match the reference numbers for the same elements, as disclosed on pages 11 and 12. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2.·   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 19, 37, 55 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malek (US 5,822,313) in view of Benaissa (An algorithm for playout delay adjustment for

interactive audio applications in mobile ad hoc networks, Proceedings of ISCC'02, IEEE, 2002, pages 1-6).

Malek substantially teaches the limitations of the claims:

A method, program, a device and a system of providing communication service (mobile communication system, as shown on Fig. 1 and disclosed on 1:25-2:25) comprising:

determining a characteristic of a first network and one or more network characteristics of a second network (identifying errors, signal strength and carrier/interference ratio for both networks, old and new base stations, as disclosed on 7:5-40);

storing media received from the first network in a first buffer (storing data from first base station/network in first buffer 190, as shown on Fig. 7 and disclosed on 7:28-33);

playing media received from the first network after the media received from the first network has been stored in the first buffer (transmitting the first buffer data out, as shown on Fig. 7);

detecting a handoff trigger (identifying need for handover 7:5-15);

storing media received from the second network in a second buffer, in response to detecting the handoff trigger (storing data from new base station/network in second buffer 192, as disclosed on 7:16-33); and

playing media received from the second network (transmitting the data from the second buffer, as shown on Fig. 7 and disclosed on 7:57-61).

Malek does not teach using playback delay as characteristics of both networks and storing data in the first buffer based on the amount time based on the playback delay of the first network.

Benaissa teaches using playback delay as characteristics of both networks and storing data in the first buffer based on the amount time based on the playback delay of the first network (identifying playout delay as an important characteristic of a network and utilizing a jitter/playout buffer to keep the packets for amount of time to compensate for the network delay, as disclosed on page 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using playback delay as characteristics of both networks and storing data in the first buffer based on the amount time based on the playback delay of the first network of Benaissa to the system of Malek to improve the system operation with applications, where the playback delays are essential characteristics.

In addition, regarding claims 19 and 73, Malek inherently teaches first and second interfaces, because the transmissions from both stations/networks are received simultaneously 7:15-21, an output module as control 193, ADPCM 88, CODEC 90 and speaker 91, shown on Fig. 7, and processors 76 and 89, as shown on Fig. 3 and disclosed on 3:49-4:8.

Allowable Subject Matter

4.   Claims 7-18, 25-36, 43-54, 61-72, 74 and 75 are allowed.

5.   Claims 2-6, 20-24, 38-42 and 56-60 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dmitry Levitan
Primary Examiner
Art Unit 2616

DMITRY LEVITAN
PRIMARY EXAMINER